

Senate Bill 76

By: Senators Johnson of the 1st and Williams of the 19th

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

To amend Titles 10, 15, 17, 20, 21, 31, 33, 45, and 49 of the Official Code of Georgia Annotated, relating respectively to commerce and trade, courts, criminal procedure, education, elections, health, insurance, public officers and employees, and social services, so as to change provisions relating to powers, duties, and responsibilities of the Senate Committee on Assignments; to transfer certain powers of appointment from that committee to the Lieutenant Governor; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is amended by revising Code Section 10-9-20, relating to the Geo. L. Smith II Georgia World Congress Center Authority Overview Committee, as follows:

"10-9-20.

There is created as a joint committee of the General Assembly the Geo. L. Smith II Georgia World Congress Center Authority Overview Committee to be composed of five members of the House of Representatives appointed by the Speaker of the House, one of whom shall be a member of the minority party, five members of the Senate appointed by the ~~Senate Committee on Assignments~~ Lieutenant Governor, one of whom shall be a member of the minority party, the chairperson of the House Committee on Economic Development and Tourism or his or her designee, and the chairperson of the Senate Economic Development and Tourism Committee or his or her designee. The members of the committee shall serve two-year terms concurrent with their terms as members of the General Assembly. The chairperson of the committee shall be appointed by the ~~Senate Committee on Assignments~~ Lieutenant Governor from the membership of the committee, and the vice chairperson of the committee shall be appointed by the Speaker of the House from the membership of the committee. The chairperson and vice chairperson shall serve terms of two years concurrent

1 with their terms as members of the General Assembly. Vacancies in an appointed  
2 member's position or in the offices of chairperson or vice chairperson of the committee  
3 shall be filled for the unexpired term in the same manner as the original appointment. The  
4 committee shall periodically inquire into and review the operations of the Geo. L. Smith  
5 II Georgia World Congress Center Authority, as well as periodically review and evaluate  
6 the success with which the authority is accomplishing its statutory duties and functions as  
7 provided in this chapter."

## 8 SECTION 2.

9 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising  
10 subparagraph (b) (1) (E) of Code Section 15-6-94, relating to the Georgia Superior Court  
11 Clerks' Cooperative Authority, as follows:

12 "(E) One member who shall be a superior court clerk appointed by the ~~Senate Committee~~  
13 ~~on Assignments or such person or entity as established by Senate rule~~ Lieutenant  
14 Governor;"

## 15 SECTION 3.

16 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is  
17 amended by revising subsections (a) and (b) of Code Section 17-12-10.1, relating to the  
18 General Oversight Committee for the Georgia Public Defender Standards Council, as  
19 follows:

20 "(a) There is created the General Oversight Committee for the Georgia Public Defender  
21 Standards Council which shall be composed of eight persons: three members of the House  
22 of Representatives appointed by the Speaker of the House of Representatives, three  
23 members of the Senate appointed by the ~~Senate Committee on Assignments or such person~~  
24 ~~or entity as established by Senate rule~~ Lieutenant Governor, and one member of the House  
25 of Representatives and one member of the Senate appointed by the Governor. The  
26 members of such committee shall be selected within ten days after the convening of the  
27 General Assembly in each odd-numbered year and shall serve until their successors are  
28 appointed.

29 (b) The Speaker of the House of Representatives shall appoint a member of the committee  
30 to serve as chairperson and the ~~Senate Committee on Assignments or such person or entity~~  
31 ~~as established by Senate rule~~ Lieutenant Governor shall appoint one member of the  
32 committee to serve as vice chairperson during each even-numbered year. The ~~Senate~~  
33 ~~Committee on Assignments or such person or entity as established by Senate rule~~  
34 Lieutenant Governor shall appoint a member of the committee to serve as chairperson and  
35 the Speaker of the House of Representatives shall appoint one member to serve as vice

1 chairperson during each odd-numbered year. Such committee shall meet at least six times  
2 each year and, upon the call of the chairperson, at such additional times as deemed  
3 necessary by the chairperson."

#### 4 **SECTION 4.**

5 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by  
6 revising subsection (a) of Code Section 20-2-2100, relating to legislative committee to  
7 review operations of high school athletic associations, as follows:

8 "(a) There is created as a joint committee of the General Assembly the High School  
9 Athletics Overview Committee to be composed of five members of the House of  
10 Representatives appointed by the Speaker of the House, one of whom shall be a member  
11 of the minority party; five members of the Senate appointed by the ~~Senate Committee on~~  
12 ~~Assignments~~ Lieutenant Governor, one of whom shall be a member of the minority party;  
13 the chairperson of the House Committee on Education or his or her designee; and the  
14 chairperson of the Senate Education and Youth Committee or his or her designee. The  
15 members of the committee shall serve two-year terms concurrent with their terms as  
16 members of the General Assembly. The Speaker of the House of Representatives and the  
17 ~~Senate Committee on Assignments~~ Lieutenant Governor shall each designate a  
18 cochairperson from among the appointees of their respective houses. The cochairpersons  
19 shall serve terms of two years concurrent with their terms as members of the General  
20 Assembly. Vacancies in an appointed member's position or in the offices of cochairperson  
21 of the committee shall be filled for the unexpired term in the same manner as the original  
22 appointment. The committee shall periodically inquire into and review the operations of  
23 high school athletic associations, as defined in subsection (c) of this Code section."

#### 24 **SECTION 5.**

25 Said title is further amended by revising subsection (a) of Code Section 20-3-519.13, relating  
26 to the HOPE Scholarship/Pre-K Legislative Oversight Committee, as follows:

27 "(a) There is created as a joint committee of the General Assembly the HOPE  
28 Scholarship/Pre-K Legislative Oversight Committee, to be composed of three members of  
29 the House Committee on Higher Education and three members of the House Committee  
30 on Education, to be appointed by the Speaker of the House of Representatives; and three  
31 members of the Senate Higher Education Committee and three members of the Senate  
32 Education Committee, to be appointed by the ~~Committee on Assignments~~ Lieutenant  
33 Governor. The chairpersons of the House Committee on Higher Education and the Senate  
34 Higher Education Committee shall serve as cochairpersons for the oversight committee.  
35 The oversight committee shall study, inquire into, and review the operations of the Georgia

1 Student Finance Commission with respect to the administration of HOPE scholarships and  
 2 grants under this part, as well as review and evaluate the conditions, needs, and issues of  
 3 the HOPE scholarship and grant program as provided for under this part, Georgia's Pre-K  
 4 program, and any other programs that receive funds from the Lottery for Education  
 5 Account, as provided for in Article 1 of Chapter 27 of Title 50. Such study and review shall  
 6 be conducted during the first year of each biennium of the General Assembly so as to  
 7 determine whether any legislative action may be necessary. The oversight committee may  
 8 conduct any independent audit or investigation of the commission or any other appropriate  
 9 agency it deems necessary."

#### 10 SECTION 6.

11 Said title is further amended by revising subsections (b) and (c) of Code Section 20-14-90,  
 12 relating to the Agricultural Education Advisory Commission, as follows:

13 "(b)(1) The commission shall consist of three members of the House of Representatives  
 14 to be appointed by the Speaker of the House, at least one of whom shall be from the  
 15 House Committee on Agriculture and Consumer Affairs and at least one of whom shall  
 16 be from the House Committee on Education; three members of the Senate to be appointed  
 17 by the ~~Senate Committee on Assignments~~ Lieutenant Governor, at least one of whom  
 18 shall be from the Senate Agriculture and Consumer Affairs Committee and at least one  
 19 of whom shall be from the Senate Education and Youth Committee; three members who  
 20 are not members of the General Assembly to be appointed by the Governor; and three  
 21 members who are not members of the General Assembly to be appointed by the State  
 22 School Superintendent.

23 (2) Vacancies in the commission shall be filled in the same manner as the original  
 24 appointments.

25 (3)(A) Legislative members of the commission shall serve two-year terms concurrent  
 26 with their terms as members of the General Assembly.

27 (B) Nonlegislative members of the commission shall serve for ~~two year~~ two-year terms  
 28 concurrent with those terms of legislative members of the commission.

29 (c) The Speaker of the House shall designate one of the commission members from the  
 30 House of Representatives as a ~~co-chairperson~~ cochairperson of the commission, and the  
 31 ~~Senate Committee on Assignments~~ Lieutenant Governor shall designate one of the  
 32 commission members from the Senate as a ~~co-chairperson~~ cochairperson of the  
 33 commission. Each ~~co-chairperson~~ cochairperson shall serve as such concurrent with his  
 34 or her term as a member of the commission."

**SECTION 7.**

Said title is further amended by revising paragraph (1) of subsection (b) and subsection (c) of Code Section 20-14-91, relating to the Career and Technical Education Advisory Commission, as follows:

"(b)(1) The commission shall consist of three members of the House of Representatives to be appointed by the Speaker of the House, one of whom shall be from the House Committee on Economic Development and Tourism, one of whom shall be from the House Committee on Agriculture and Consumer Affairs, and one of whom shall be from the House Committee on Education; three members of the Senate to be appointed by the ~~Senate Committee on Assignments~~ Lieutenant Governor, one of whom shall be from the Senate Economic Development Committee, one of whom shall be from the Senate Agriculture and Consumer Affairs Committee, and one of whom shall be from the Senate Education and Youth Committee; three members who are not members of the General Assembly to be appointed by the Governor; and three members who are not members of the General Assembly to be appointed by the State School Superintendent."

"(c) The Speaker of the House shall designate one of the commission members from the House of Representatives as a ~~co-chairperson~~ cochairperson of the commission, and the ~~Senate Committee on Assignments~~ Lieutenant Governor shall designate one of the commission members from the Senate as a ~~co-chairperson~~ cochairperson of the commission. Each ~~co-chairperson~~ cochairperson shall serve as such concurrent with his or her term as a member of the commission."

**SECTION 8.**

Said title is further amended by revising subsection (b) of Code Section 20-15-3, relating to the Georgia Medical Center Authority, as follows:

"(b) The authority shall consist of seven members as follows:

(1) Those persons appointed to the authority prior to July 1, 2005, and serving for terms to expire in June, 2006, shall continue to serve for the remainder of the terms to which they were appointed;

(2)(A) In 2005 and quadrennially thereafter, the Governor shall appoint two members.

(B) In 2006 and quadrennially thereafter, the Governor shall appoint three members;

~~(3)(A) In 2005 and quadrennially thereafter, the Senate Committee on Assignments shall appoint one member; and~~

(B) In 2009 and quadrennially thereafter, the Lieutenant Governor shall appoint one member; and

(4) In 2006 and quadrennially thereafter, the Speaker of the House of Representatives shall appoint one member.

1 Except as otherwise provided by paragraph (1) of this subsection, members shall serve for  
2 terms of office of four years each and until the appointment and qualification of their  
3 respective successors. Any elected or appointed state, county, municipal, or school board  
4 official or employee, except members of the board of regents and officials and employees  
5 of the legislative or judicial branches of state government, are authorized to be appointed  
6 as members of the authority, and any person so appointed is authorized to serve as a  
7 member of the authority."

#### 8 **SECTION 9.**

9 Said title is further amended by revising subsection (a) of Code Section 20-16-18, relating  
10 to the creation of Georgia Higher Education Facilities Authority Committee, as follows:

11 "(a) There is created as a joint committee of the General Assembly the Georgia Higher  
12 Education Facilities Authority Committee to be composed of five members of the House  
13 of Representatives appointed by the Speaker of the House, two of whom shall be members  
14 of the minority party, five members of the Senate appointed by the ~~Senate Committee on~~  
15 ~~Assignments~~ Lieutenant Governor, two of whom shall be members of the minority party,  
16 the chairperson of the House Committee on Higher Education or his or her designee, and  
17 the chairperson of the Senate Higher Education Committee or his or her designee. The  
18 members of the committee shall serve two-year terms concurrent with their terms as  
19 members of the General Assembly. The ~~Senate Committee on Assignments~~ Lieutenant  
20 Governor shall appoint a cochairperson from the Senate members of the committee, and  
21 the Speaker of the House shall appoint a cochairperson from the House of Representatives  
22 members of the committee. The cochairpersons shall serve terms of two years concurrent  
23 with their terms as members of the General Assembly. Vacancies in an appointed  
24 member's position or in the offices of cochairperson of the committee shall be filled for the  
25 unexpired term in the same manner as the original appointment. The committee shall  
26 periodically inquire into and review the operations of the Georgia Higher Education  
27 Facilities Authority, as well as periodically review and evaluate the success with which the  
28 authority is accomplishing its statutory duties and functions as provided in this chapter."

#### 29 **SECTION 10.**

30 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by  
31 revising subsection (b) of Code Section 21-5-4, relating to the State Ethics Commission, as  
32 follows:

33 "(b) There is created the State Ethics Commission, with such duties and powers as are set  
34 forth in this chapter. The commission shall be a successor to the State Campaign and  
35 Financial Disclosure Commission in all matters pending before the State Campaign and

1 Financial Disclosure Commission on March 1, 1987, and may continue to investigate,  
2 prosecute, and act upon all such matters. The commission shall be governed by five  
3 members appointed as follows: three members, not more than two of whom shall be from  
4 the same political party, shall be appointed by the Governor two for terms of three years  
5 and one for a term of two years; one member shall be appointed by the ~~Senate Committee~~  
6 ~~on Assignments~~ Lieutenant Governor for a term of four years; and one member shall be  
7 appointed by the Speaker of the House of Representatives for a term of four years. The  
8 initial members shall take office on March 2, 1987. Upon the expiration of a member's  
9 term of office, a new member, appointed in the same manner as the member whose term  
10 of office expired as provided in this subsection, shall become a member of the commission  
11 and shall serve for a term of four years and until such member's successor is duly  
12 appointed and qualified. If a vacancy occurs in the membership of the commission, a new  
13 member shall be appointed to the unexpired term of office by the state official or the  
14 committee that appointed the vacating member. Members of the commission shall not  
15 serve for more than one complete term of office; provided, however, that the members of  
16 the State Campaign and Financial Disclosure Commission serving on March 1, 1987, shall  
17 be eligible for appointment as initial members of the State Ethics Commission."

#### 18 **SECTION 11.**

19 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising  
20 Code Section 31-43-4, relating to members of the Commission on Men's Health, as follows:

21 "31-43-4.

22 The commission shall consist of 11 members: seven members appointed by the Governor;  
23 two members of the Senate appointed by the ~~Senate Committee on Assignments~~ Lieutenant  
24 Governor, one of whom shall be the chairperson of the Senate Health and Human Services  
25 Committee or his or her designee; and two members of the House of Representatives  
26 appointed by the Speaker of the House, one of whom shall be the chairperson of the House  
27 Committee on Health and Human Services or his or her designee. The Governor may also  
28 appoint an honorary chairperson to serve as a member of the commission."

#### 29 **SECTION 12.**

30 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by  
31 revising subsection (c) of Code Section 33-29A-21, relating to creation, membership, duties,  
32 and functions of the Commission on the Georgia Health Insurance Risk Pool, as follows:

33 "(c) The ~~Senate Committee on Assignments~~ Lieutenant Governor shall appoint two  
34 members of the Senate and one citizen of this state who is familiar with health insurance  
35 matters to the commission."

**SECTION 13.**

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, is amended by revising subsection (b) of Code Section 45-13-70, relating to the Capitol Art Standards Commission, as follows:

"(b) The Capitol Art Standards Commission shall be ~~comprised~~ composed of 15 members. Three members shall be appointed by the Governor, of whom one shall be designated as chairperson. Three members shall be appointed by the ~~Senate Committee on Assignments~~ Lieutenant Governor and three members shall be appointed by the Speaker of the House of Representatives. One member each shall be appointed by the Georgia Historical Society, the Georgia Council for the Humanities, and the Georgia Council for the Arts. One member each shall be appointed by the Board of Regents of the University System of Georgia and the Georgia Foundation for Independent Colleges, each of whom shall be proficient in the history of the State of Georgia. Each of the appointed members shall serve two-year terms of office and shall be eligible to succeed themselves. In addition, the director of the Georgia Capitol Museum or his or her designee shall be a member of the commission. Vacancies in the positions of appointed members of the commission shall be filled for the remainder of the unexpired term of office by the original appointing authority."

**SECTION 14.**

Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended by revising subsection (g) of Code Section 49-6-62, relating to the establishment of community care unit within the aging section, as follows:

"(g) The department shall submit on January 1 of each year, beginning in 1984, a progress report on the implementation of the plan required by subsection (e) of this Code section to the Speaker of the House of Representatives, the ~~Senate Committee on Assignments~~ Lieutenant Governor, the ~~chairman~~ chairperson of the House Health and Human Services Committee, and the ~~chairman~~ chairperson of the Senate Health and Human Services Committee."

**SECTION 15.**

It is not the intention of this Act to remove from office any person appointed under prior law, but rather this Act is intended only to change the power of appointment for appointments made on or after the effective date of this Act.



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